

### **REMARKS**

The paper is in response to the Final Office Action mailed January 27, 2010 ("the Office Action"). The foregoing amendment amends claims 60, 70, and 77. No new matter has been entered. Claims 60-71 and 74-87 are now pending in view of the amendments. Applicants respectfully request reconsideration of the application in view of the above amendments to the claims and the following remarks. For Examiner's convenience and reference, Applicants present remarks in the order that the Office Action raises the corresponding issues.

In connection with the prosecution of this case and any related cases, Applicants have, and/or may, discuss various aspects of the disclosure of the cited references as those references are then understood by the Applicants. Because such discussion could reflect an incomplete or incorrect understanding of one or more of the references, the position of the Applicants with respect to a reference is not necessarily fixed or irrevocable. Applicants thus hereby reserve the right, both during and after prosecution of this case, to modify the views expressed with regard to any reference.

Please note that Applicants do not intend the following remarks to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, Applicants present the distinctions below solely by way of example to illustrate some of the differences between the claims and the cited references. Finally, Applicants request that Examiner carefully review any references discussed below to ensure that Applicants' understanding and discussion of any reference is consistent with Examiner's understanding.

Unless otherwise explicitly stated, the term "Applicants" is used herein generically and may refer to a single inventor, a set of inventors, an appropriate assignee, or any other entity or person with authority to prosecute this application.

### **Examiner's Interview**

Applicants thank Examiner for the telephone interview of March 11, 2010. The amendments and remarks herein reflect the substance of the interview. Per agreement with

Examiner, the foregoing amendments overcome the previous grounds rejections and therefore finality is precluded in light of a Request for Continuing Examination, which is filed herewith.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejects claims 60-64, 66-70, 71, 75-82 and 84-87 under 35 U.S.C. §102(e) over *Bui* (PGP No. 2009/0157531). According to MPEP §2131, a claim is anticipated under 35 U.S.C. §102(a), (b), or (e) only if each and every element as set forth in the claim is found, either expressly or inherently, in a single prior art reference. The reference must show the identical invention in as complete detail as is contained in the claim. Finally, the elements must be arranged or combined as required by the claim.

Applicants do not necessarily agree with Examiner's statements regarding at least (1) whether the cited reference(s) disclose each and every element recited in the claim, (2) whether the cited reference(s) teach the combination presented in the claim, (3) whether the cited reference(s) disclose or inherently include the features that the Office Action asserts that the reference(s) include and (4) whether the reference(s) or any other source provides a reason to combine the teachings of the reference(s). Nevertheless, in the interests of expediting prosecution, Applicants herein amend claims 60, 77, and 77 to recite, for example, a ticket "being generated in response to a selection on the client device selecting one of a plurality of ticket templates, each ticket template including access privileges associated with one of a plurality of types of service providers."

*Bui* teaches a payment service capable of being invoked from merchant sites. *Bui*, Title. "FIGS. 2A-B are two flowcharts 200, 220 illustrating the operation of the general embodiment of the system 100" [0031]. "Referring now to the flowchart 220 in FIG. 2B, the customer browses at the merchant web site 106 and identifies products(s) and/or service(s) for purchase at step 222." *Bui*, para.[0035]. "At a next step 224 of the flowchart 220, the customer requests (implicitly or explicitly) that the information service 114 provide the customer information to the merchant 104." *Id.* "At step 226, the information service 114 authenticates the customer 102." *Bui*, para. [0037]. "Once steps 224 and 226 have been completed, the information service provides some or all of the customer's information to the merchant at step 228." *Id.* "At step 230,

*the merchant* receives the transferred customer information and processes the transaction.” *Id.* (Emphasis added). “Further, specific types of customer information provided *to a merchant by the information service* 114 may be dependent upon the merchant’s type of business. For example, when the customer 102 shops at a web site of a sporting goods merchant, the information service 114 may expose to the sporting goods merchant all prior purchases or interests falling within the “sports” category.” *Bui*, para. [0039] (emphasis added).

In direct contrast, claim 60 recites “receiving a ticket *at a host server from a consumer* via a client device by way of a wireless application gateway to perform a transaction, the ticket being generated in response to a selection on the client device *selecting one of a plurality of ticket templates*, each ticket template including *access privileges* associated with one of a plurality of types of service providers.” Claims 66 and 77, though of different scope, include similar elements. As noted in paragraph [0138] of the specification of the Applicants application, “In this manner, the consumer may know in advance, or be made aware, that a particular code or instruction may be *generated by the wireless client device* 104a and transmitted to *the initiator service* 1310 in order to generate a ticket for a particular type of vendor or service provider – e.g., a doctor, a lawyer, an insurance agent, or another particular type of third-party.” Therefore, rather than teach a process that includes “receiving a ticket *at a host server from a consumer* via a client device by way of a wireless application gateway to perform a transaction, the ticket being generated in response to a selection on the client device *selecting one of a plurality of ticket templates*” as recited in claim 60, *Bui* teaches away from such a method.

Accordingly, the amendments presented herein, taken as a whole, render the rejections moot. Applicants note that portions of the claims other than those specifically amended and/or mentioned above may contribute to patentability. In light of the references as now understood by Applicants and the amendments made herein, claims 60-64, 66-70, 71, 75-82 and 84-87 appears to be allowable. Applicants therefore respectfully request that Examiner withdraw the rejection of claims 60-64, 66-70, 71, 75-82 and 84-87 under 35 U.S.C. §102(e).

**Rejection under 35 U.S.C. §103**

Claims 65, 74, and 83 are rejected under 37 U.S.C. 103(a) in view of *Bui* and *Walker*. *Walker* has been cited as teaching the use of an equipment identifier for authentication. Applicant respectfully asserts that this disclosure of *Walker* fails to remedy the deficiencies of *Bui* noted above with respect to claims 60, 70, and 77, upon which claims 65, 74, and 83 depend. Claims 65, 74, and 83 are therefore allowable for at least this reason.

### **Charge Authorization**

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

**CONCLUSION**

In view of the foregoing, and consistent with the tentative agreement reached during the Examiner Interview, Applicants submit that the pending claims are allowable. In the event that Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview or overcome by an Examiner's Amendment, Examiner is requested to contact the undersigned attorney.

Dated this 31<sup>st</sup> day of March 2010.

Respectfully submitted,

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